

**Congress of the United States**  
**Washington, DC 20515**

March 28, 2012

The Honorable Julius Genachowski, Chairman  
The Honorable Robert McDowell  
The Honorable Mignon Clyburn  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Dear Mr. Chairman and Commissioners:

As members representing Texas, and who understand the difficulties and importance of having reliable telecommunications services on the Texas border, we write regarding concerns over the FCC's recent Universal Service Order that could jeopardize the Nation's Border Security efforts between Texas and Mexico by disrupting critical Homeland Security communications in West Texas.

As you know, one of the key findings in the 9/11 Report is the essential role that communications has in helping law enforcement be as effective as possible at deterring crime. The Texas-Mexico border presents the law enforcement officers charged with protecting it an enormous challenge. Big Bend Telephone Company ("Big Bend") is the only terrestrial voice and broadband communication provider that exclusively provides its services to West Texas using its own network facilities.

Big Bend relies on universal service support as required by Section 254 of the Communications Act to effectively offer services in West and South Texas. The other communication companies in this region serve only a fraction of Big Bend's 17,593 square mile service territory and rely on Big Bend for transport from cell towers or backhaul to the Internet. Unless the Commission waives its rules capping Big Bend's recovery of network expenses and investment, we are concerned that West Texas could simply have its communications network shut off and that Border Security would be fundamentally undermined by this disruption in communications. Indeed, we understand that, under the FCC's rules, Big Bend would default on its loan covenants as early as 2013.

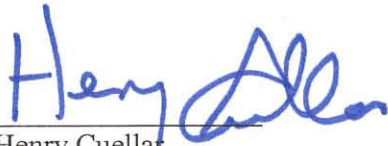
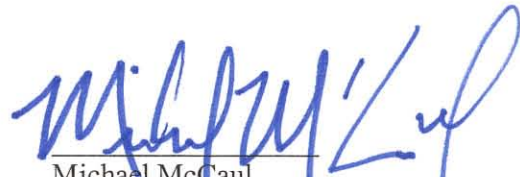
If Big Bend is put out of business in West Texas, many federal and state border security and law enforcement institutions as well as schools and other anchor institutions would have their communications services cut off with no other alternative available. A list of these institutions is enclosed.

The Commission anticipated that certain rate-of-return carriers would require waiver of its Universal Service Fund ("USF") rules in circumstances when such rules reduced a carrier's support to a point that it "would not be 'sufficient to achieve the purposes of [section 254] of the Act.'" Big Bend is such a carrier, and its waiver petition presents the very circumstances envisioned by the Commission. Big Bend's large, low-density, mountainous service area contains 17,593 square miles, including approximately 485 miles or 25 percent of the U.S.-Mexico land border. The territory's sheer size and rugged terrain present unique challenges to deploying and maintaining a communications network, including higher construction costs to deploy facilities in rocky, mountainous terrain and higher maintenance costs due to poor road infrastructure, extreme weather, and the long distances required to reach different parts of the network for repairs.

We understand that Big Bend is the only terrestrial telephone service in West Texas that relies exclusively on its own facilities and that the FCC's rules would eventually cause its bankruptcy. Because Big Bend provides essential voice and broadband communication services to essential Homeland Security personnel, including Border Crossing and Ports of Entry, in West Texas and is the only viable communications alternative, we request that the FCC grant Big Bend a rule waiver so that it can continue to invest in these critical communication services in West Texas.

Thank you for your attention to this important issue.

Sincerely,

  
Henry Cuellar  
Member of Congress  
Michael McCaul  
Member of Congress

## **Institutions That Will Lose Communications Services**

Department Homeland Security (DHS) Highway Check Points  
DHS International Border Crossings  
DHS Port of Entry  
DHS Administrative Facilities  
DHS Housing Facilities  
Department of Immigration, Customs and Enforcement  
Department of Defense – Air Force Radar Surveillance Balloon Site  
Department of the Interior – Big Bend National Park  
Federal Aviation Administration  
Federal Motor Carrier Safety Administration  
U. S. Weather Service  
Texas Department of Public Safety including Highway Patrol and Texas Rangers  
Texas Department of Corrections – Lynaugh Unit, Sheffield Detention Center  
Texas Department of Parks and Wildlife including Game Wardens  
Texas Department of Transportation  
County Judges, County Administration, Fire Departments, Sheriffs' Departments and Police Departments of  
Brewster, Presidio, Terrell, Jeff Davis, Pecos, Pecos, Crane, and Val Verde counties  
911 Facilities

Comstock Independent School District ("ISD")  
Terrell County ISD  
Big Bend National Park San Vicente CSD  
Terlingua ISD  
Alpine ISD  
Fort Davis ISD  
Presidio ISD  
Marathon ISD  
Marfa ISD  
Fort Stockton ISD  
Iraan Sheffield ISD

McCamey ISD  
Crane ISD  
Valentine ISD  
University of Texas McDonald Observatory  
Texas Region 18 Education Service Center  
Sul Ross State University  
Midland College  
Banks and Credit Unions  
Public Libraries  
Hospitals and Health Clinics  
Public Housing Authorities